

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEAWALD,
JINGER VUOLO, and JOY DUGGAR,**

PLAINTIFFS

VS.

NO. 5:17-cv-5089-TLB

**CITY OF SPRINGDALE, ARKANDAS;
WASHINGTON COUNTY, ARKANSAS;
KATHY O'KELLEY, in her individual
and official capacities; RICK HOYT,
in his individual and official capacities;
STEVE ZEGA , in his official capacity;
BAUER PUBLISHING COMPANY, L.P.;
BAUER MAGAZINE L.P.; BAUER
MEDIA GROUP, L.P.; BAUER, INC.;
HENRICH BAUER NORTH AMERICA, INC.;
BAUER MEDIA GROUP USA, LLC; and
DOES 1-10, inclusive**

DEFENDANTS

NOTICE OF INTERLOCUTORY APPEAL

Comes now the Separate Washington Defendant Rick Hoyt, in his individual capacity, and hereby gives Notice of Appeal to the Eighth Circuit Court of Appeals, taken pursuant to *Mitchell v. Forsyth*, 472 U.S. 511 (1985) and *Mettler v. Whitley*, 165 F.3d 1197, 1202 (8th Cir. 1999), which allow for the taking of a *de novo* interlocutory appeal after the denial of a motion for dismissal premised upon, *inter alia*, qualified immunity, and does state as follows:

1. This appeal is taken from the Court's Opinion and Order of September 29, 2017 (Doc. # 62), wherein the Court denied the Separate Washington County Defendant Rick Hoyt's Motion for Dismissal that was based, *inter alia*, on the doctrine of qualified immunity.

2. Separate Washington Defendant Rick Hoyt was/is entitled to qualified immunity on the Plaintiff's assorted privacy claims as a matter of law for the reasons set forth in the Defendants' motions for dismissal and supporting filings (Doc. ## 21, 22, 29, 30, and 38) in this case, which are adopted and incorporated herein, as if set forth word for word.

3. In light of this appeal, Separate Washington Defendant Hoyt respectfully requests a stay of the case, so as to avoid piecemeal litigation and to preserve the resources of the parties and the Court.

WHEREFORE, the Defendants hereby notify the Court of their appeal of this matter and move for a stay of the proceedings before this Court until the Defendant's claim of qualified immunity have been heard *de novo* and adjudicated by the Court of Appeals.

Respectfully submitted,

RICK HOYT, in his individual capacity,
Separate Washington County Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will notify all counsel of record.

/s/ Jason E. Owens
Jason E. Owens